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# TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

|                        |                  |
|------------------------|------------------|
| Application Number     | 09/731,412       |
| Filing Date            | December 6, 2000 |
| First Named Inventor   | Howard Bernstein |
| Art Unit               | 1617             |
| Examiner Name          | E. J. Webman     |
| Attorney Docket Number | ACU 105 DIV (2)  |

**ENCLOSURES** (Check all that apply)

- |                                     |   |                          |  |  |   |
|-------------------------------------|---|--------------------------|--|--|---|
| <input checked="" type="checkbox"/> | Fee Transmittal Form                                | <input type="checkbox"/> | Drawing(s)                                       | <input type="checkbox"/>                                       | After Allowance communication to Group                            |
| <input type="checkbox"/>            | Fee Attached  | <input type="checkbox"/> | Licensing-related Papers                         | <input type="checkbox"/>                                       | Appeal Communication to Board of Appeals and Interferences        |
| <input type="checkbox"/>            | Amendment/Reply                                     | <input type="checkbox"/> | Petition   | <input type="checkbox"/>                                       | Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/>            | After Final   | <input type="checkbox"/> | Petition to Convert to a Provisional Application | <input type="checkbox"/>                                       | Proprietary Information   |
| <input type="checkbox"/>            | Affidavits/declaration(s)                           | <input type="checkbox"/> | Power of Attorney, Revocation                    | <input type="checkbox"/>                                       | Status Letter   |
| <input type="checkbox"/>            | Extension of Time Request                           | <input type="checkbox"/> | Change of Correspondence Address                 | <input checked="" type="checkbox"/>                            | Other Enclosure(s) (please Identify below):                       |
| <input type="checkbox"/>            | Express Abandonment Request                         | <input type="checkbox"/> | Terminal Disclaimer                              | 1 Page of form PTO-1449; 4 references; return receipt postcard |   |
| <input checked="" type="checkbox"/> | Information Disclosure Statement                    | <input type="checkbox"/> | Request for Refund                               |  |   |
| <input type="checkbox"/>            | Certified Copy of Priority Document(s)              | <input type="checkbox"/> | CD, Number of CD(s) _____                        |  |   |
| <input type="checkbox"/>            | Response to Missing Parts/Incomplete Application    | Remarks                  |  |  |   |
| <input type="checkbox"/>            | Response to Missing Parts under 37 CFR 1.52 or 1.53 |                          |  |  |   |


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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                         |  |
|-------------------------|--|
| Firm or Individual name | Rivka D. Monheit, Esq., Reg. No. 48,731 Pabst Patent Group LLP<br>400 Colony Square, Suite 1200, Atlanta, GA 30361 |
| Signature               | <i>Rivka D. Monheit</i>  |
| Date                    | November 1, 2004   |

**CERTIFICATE OF TRANSMISSION/MAILING**

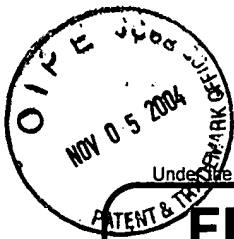
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

|                       |   |      |                          |
|-----------------------|---|------|--------------------------|
| Typed or printed name | Ronna Berman  |      |                          |
| Signature             |  | Date | November <u>2</u> , 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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**ACU 105 DIV(2) / 077586-00007**



# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 180.00

## Complete if Known

|                      |                  |
|----------------------|------------------|
| Application Number   | 09/731,412       |
| Filing Date          | December 6, 2000 |
| First Named Inventor | Howard Bernstein |
| Examiner Name        | E. J. Webman     |
| Art Unit             | 1617             |
| Attorney Docket No.  | ACU 105 DIV (2)  |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: **50-3129**  
Deposit Account Name: **Pabst Patent Group LLP**

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1001 770                   | 2001 385                   | Utility filing fee     |          |
| 1002 340                   | 2002 170                   | Design filing fee      |          |
| 1003 530                   | 2003 265                   | Plant filing fee       |          |
| 1004 770                   | 2004 385                   | Reissue filing fee     |          |
| 1005 160                   | 2005 80                    | Provisional filing fee |          |
| SUBTOTAL (1)               |                            |                        | (\$ ) 0  |

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 15                 | -20* = 0     | X              |          |
| 1                  | -3** = 0     | X              |          |
| Independent Claims |              |                |          |
| Multiple Dependent |              |                |          |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  | Fee Paid   |
|----------------------------|----------------------------|--|------------|
| 1202 18                    | 2202 9                     | Claims in excess of 20                                     |            |
| 1201 86                    | 2201 43                    | Independent claims in excess of 3                          |            |
| 1203 290                   | 2203 145                   | Multiple dependent claim, if not paid                      |            |
| 1204 86                    | 2204 43                    | ** Reissue independent claims over original patent         |            |
| 1205 18                    | 2205 9                     | ** Reissue claims in excess of 20 and over original patent |            |
| SUBTOTAL (2)               |                            |  | (\$ ) 0.00 |

\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 1051 130                   | 2051 65                    | Surcharge - late filing fee or oath  |          |
| 1052 50                    | 2052 25                    | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130                   | 1053 130                   | Non-English specification  |          |
| 1812 2,520                 | 1812 2,520                 | For filing a request for ex parte reexamination                            |          |
| 1804 920*                  | 1804 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*                | 1805 1,840*                | Requesting publication of SIR after Examiner action                        |          |
| 1251 110                   | 2251 55                    | Extension for reply within first month                                     |          |
| 1252 420                   | 2252 210                   | Extension for reply within second month                                    |          |
| 1253 950                   | 2253 475                   | Extension for reply within third month                                     |          |
| 1254 1,480                 | 2254 740                   | Extension for reply within fourth month                                    |          |
| 1255 2,010                 | 2255 1,005                 | Extension for reply within fifth month                                     |          |
| 1401 330                   | 2401 165                   | Notice of Appeal   |          |
| 1402 330                   | 2402 165                   | Filing a brief in support of an appeal                                     |          |
| 1403 290                   | 2403 145                   | Request for oral hearing   |          |
| 1451 1,510                 | 1451 1,510                 | Petition to institute a public use proceeding                              |          |
| 1452 110                   | 2452 55                    | Petition to revive - unavoidable   |          |
| 1453 1,330                 | 2453 665                   | Petition to revive - unintentional   |          |
| 1501 1,330                 | 2501 665                   | Utility issue fee (or reissue)   |          |
| 1502 480                   | 2502 240                   | Design issue fee   |          |
| 1503 640                   | 2503 320                   | Plant issue fee  |          |
| 1460 130                   | 1460 130                   | Petitions to the Commissioner  |          |
| 1807 50                    | 1807 50                    | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180                   | 1806 180                   | Submission of Information Disclosure Stmt                                  |          |
| 8021 40                    | 8021 40                    | Recording each patent assignment per property (times number of properties) |          |
| 1809 770                   | 2809 385                   | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 770                   | 2810 385                   | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 770                   | 2801 385                   | Request for Continued Examination (RCE)                                    |          |
| 1802 900                   | 1802 900                   | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 180.00

## SUBMITTED BY

(Complete (if applicable))

|                   |                         |                                   |                  |           |                |
|-------------------|-------------------------|-----------------------------------|------------------|-----------|----------------|
| Name (Print/Type) | Rivka D. Monheit        | Registration No. (Attorney/Agent) | 48,731           | Telephone | (404) 879-2152 |
| Signature         | <i>Rivka D. Monheit</i> | Date                              | November 1, 2004 |           |                |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ACU 105 DIV (2) / 077586-00007

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NOV 05 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Howard Bernstein, Donald Chickering, Sarwat Khattak, and Julie Straub

Serial No.: 09/731,412

Group Art Unit: 1617

Filed: December 6, 2000

Examiner: E.J. Webman

For: *MATRICES FORMED OF POLYMER AND HYDROPHOBIC  
COMPOUNDS FOR USE IN DRUG DELIVERY*

Commissioner for Patents  
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Alexandria, VA 22313-1450

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §1.56 and 37 C.F.R. §1.97, Applicants submit a Supplemental Information Disclosure Statement, including 1 page of Form PTO-1449, and copies of the 4 documents cited therein.

The Commissioner is authorized to charge the fee of \$180.00 to Deposit Account No. 50-3129 representing the fee required under 37 C.F.R. §1.17(p) for an Information Disclosure Statement filed after a first Office Action on the merits under 37 C.F.R. §1.97(c). It is believed that no additional fee is required with this submission. However, should an additional fee be required, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-3129.

11/05/2004 KBETEMAI 00000118 503129 09731412

01 FC:1806 180.00 DA

U.S.S.N.: 09/731,412  
Filed: December 6, 2000  
SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT

### Foreign Documents

| <u>Number</u> | <u>Publication Date</u> | <u>Patentee</u>                   | <u>Country</u> |
|---------------|-------------------------|-----------------------------------|----------------|
| 2,144,407     | 03-1994                 | Berde, et al.                     | CA             |
| 231281        | 12-1990                 | Takeda Chemical<br>Industries Ltd | NZ             |
| 264500        | 06-1996                 | Adir et Compagnie                 | NZ             |
| WO 96/15815   | 05-1996                 | Bracco Research                   | PCT            |

### Remarks

This statement should not be interpreted as a representation that an exhaustive search has been conducted or that no better art exists. Moreover, Applicants invite the Examiner to make an independent evaluation of the cited art to determine its relevance to the subject matter of the present application. Applicants are of the opinion that their claims patentably distinguish over the art referred to herein, either alone or in combination.

Respectfully submitted,

Rivka D. Monheit

Rivka D. Monheit  
Reg. No. 48,731

Dated: November 1, 2004

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